



General Assembly

January Session, 2013

***Raised Bill No. 889***

LCO No. 3104



Referred to Committee on HIGHER EDUCATION AND  
EMPLOYMENT ADVANCEMENT

Introduced by:  
(HED)

***AN ACT CONCERNING ADVERTISEMENTS FOR THE UNIVERSITY  
OF CONNECTICUT'S CONSTRUCTION PROJECTS.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subsection (c) of section 10a-109n of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2013*):

4 (c) (1) Any construction contract to which the university is a party  
5 may include a provision that the design professional who designed the  
6 project, or an architect or professional engineer or construction  
7 manager retained or employed specifically for the purpose of  
8 supervision, may supervise the work to be performed through to  
9 completion and ensure that the materials furnished and the work  
10 performed are in accordance with the drawings, plans, specifications  
11 and contracts therefor.

12 (2) (A) Except as provided in subparagraph (B) of this subdivision,  
13 any total cost basis contract or other contract for the construction of a

14 university project which is estimated to cost more than five hundred  
15 thousand dollars, shall be publicly let by the university. The university  
16 shall give notice to contractors interested in prequalifying to submit a  
17 project proposal or bid, by [advertising, at least once, in one or more  
18 newspapers having general circulation in the state and by] posting on  
19 the Internet. [the advertisement on the university web site.] The notice  
20 to prequalify shall contain the requirement that contractors be  
21 prequalified pursuant to section 4a-100, a statement of the time and  
22 place where the responses shall be received and such additional  
23 information as the university deems appropriate. Upon receipt of such  
24 responses, the university shall select each contractor who has been  
25 prequalified pursuant to section 4a-100 and has shown itself able to  
26 post surety bonds required by such contract and has demonstrated  
27 that it possesses the financial, managerial and technical ability and the  
28 integrity necessary and without conflict of interest for faithful and  
29 efficient performance of the work provided for therein. The university  
30 shall evaluate whether each such contractor is responsible and  
31 qualified based on its experience with projects similar to that for which  
32 the bid or proposal is to be submitted and based on objective written  
33 criteria included in the application to request prequalification with  
34 respect to such contract. The university shall also consider whether a  
35 contractor, and any subcontractor on the contractor's previous projects,  
36 has been in compliance with the provisions of part III of chapter 557  
37 and chapter 558 during the previous five calendar years.

38 (B) Notwithstanding the provisions of subparagraph (A) of this  
39 subdivision, the board of trustees may approve a total cost basis  
40 contract or other contract for the construction of a university project  
41 which is estimated to cost more than five hundred thousand dollars  
42 that has not been publicly let pursuant to the provisions of said  
43 subparagraph (A), provided the board deems the contract to address  
44 an emergency.

45 (3) The university shall thereafter give notice to those so  
46 prequalified by the university pursuant to subdivision (2) of this

47 section of the time and place where the public letting shall occur and  
48 shall include in such notice such information of the work required as  
49 appropriate. Each bid or proposal shall be kept sealed until opened  
50 publicly at the time and place as set forth in the notice soliciting such  
51 bid or proposal. The university shall not award any construction  
52 contract, including, but not limited to, any total cost basis contract,  
53 after public letting, except to the responsible qualified contractor,  
54 submitting the lowest bid or proposal in compliance with the bid or  
55 proposal requirements of the solicitation document. The university  
56 may, however, waive any informality in a bid or proposal, and may  
57 either reject all bids or proposals and again advertise for bids or  
58 proposals or interview at least three responsible qualified contractors  
59 and negotiate and enter into with any one of such contractors that  
60 construction contract which is both fair and reasonable to the  
61 university.

62 (4) The notice to each contractor prequalified to submit a proposal  
63 or bid and the construction contract, including each total cost basis  
64 contract, awarded by the university shall contain such other terms and  
65 conditions, and such provisions for penalties as the university may  
66 deem appropriate.

67 (5) No payments shall be made by the university on account of any  
68 contract for the project awarded by or for the university until the bills  
69 or estimates presented for such payment shall have been duly certified  
70 to be correct by the university. No payments shall be made from any  
71 other fund on account of any contract for any project awarded by or  
72 for the university until the bills or estimates presented for such  
73 payment shall have been duly certified to be correct by the university.

74 (6) Provision shall be made in each contract to the effect that  
75 payment is limited to the amount provided therein and that no liability  
76 of the university or state shall and may be incurred beyond such  
77 amount.

78       (7) The university shall require, for the protection of the state and  
79       the university, such deposits, bonds and security in connection with  
80       the submission of bids or proposals, the award of construction  
81       contracts and the performance of work as the university shall  
82       determine to be appropriate and in the public interest of the state.

83       (8) Any contract awarded by the university shall be a contract with  
84       the state acting through the university.

85       (9) The university shall not enter into a construction manager at-risk  
86       project delivery contract that does not provide for a maximum  
87       guaranteed price for the cost of construction which shall be  
88       determined not later than the time of the receipt and approval by the  
89       university of the trade contractor bids. Each construction manager at-  
90       risk shall invite bids and give notice of opportunities to bid on project  
91       elements, by [advertising, at least once, in one or more newspapers  
92       having general circulation in the state] posting on the Internet. Each  
93       bid shall be kept sealed until opened publicly at the time and place as  
94       set forth in the notice soliciting such bid. The construction manager at-  
95       risk shall, after consultation with and approval by the university,  
96       award any related contracts for project elements to the responsible  
97       qualified contractor, who shall be prequalified pursuant to section 4a-  
98       100, submitting the lowest bid in compliance with the bid  
99       requirements, provided (A) the construction manager at-risk shall not  
100      be eligible to submit a bid for any such project element, and (B)  
101      construction shall not begin prior to the determination of the  
102      maximum guaranteed price, except for the project elements of site  
103      preparation and demolition that have been previously put out to bid  
104      and awarded.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	10a-109n(c)

***Statement of Purpose:***

To conform the UConn 2000 statutes with Department of Administrative Services' current practices and statutory framework regarding advertising for competitive bids and proposals for goods and services.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*